

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

YOUNG ADVOCATES FOR FAIR
EDUCATION,

Plaintiff,

Case No. 18 CV 4167

vs.

Judge I. Leo Glasser

ANDREW CUOMO, in his official capacity
as Governor of the State of New York,
BETTY ROSA, in her official capacity as
Chancellor of the Board of Regents of the
State of New York,
MARYELLEN ELIA, in her official capacity
as Commissioner of the New York State
Education Department,

Defendants.

DECLARATION OF DR. ADINA SCHICK

1. I am a Clinical Assistant Professor of Applied Psychology at New York University. The purpose of this declaration is to explain how New York's Common Core and Next Generation Learning Standards work, and why a Yeshiva's Jewish Studies curricula would be considered when assessing whether the Yeshiva meets those standards.

Educational and Professional Background

2. I received my doctorate in Developmental Psychology from the Department of Applied Psychology at New York University in 2012. I have served as the Assistant Director of the Undergraduate Studies in the Applied Psychology program at NYU since 2014, and regularly teach a series of undergraduate psychology courses, including an elective entitled *Families, Schools, and Child Development*, in which we examine the complex relations between family and school systems, with a focus on low-income, urban communities.

3. I also serve as the co-Principal Investigator leading the L-FELD NYU lab, where my research focuses on exploring cultural variations in children's language, literacy, and narrative development, with a particular emphasis on the individual and combined contributions of the home and school contexts to the development of these school readiness skills.

My Research Regarding Early Childhood Learning

4. My research has probed the role of continuity in home-school practices in supporting low-income Latino Head Start children's emergent literacy development, highlighting the importance of promoting parents' use of culturally-relevant practices. I have served on a number of advisory boards, including as an advisory board member for Pearson's creation of an innovative, fully digital, hands-on Child Development platform, as well as a member of the advisory panel for Sesame Street Workshop and PNC's *Growing Together, Ready for School and Beyond* initiative, which focuses on helping parents and childcare providers best support preschoolers' learning and development.

5. I have also collaborated on a series of research projects aimed at supporting the professional development of early childhood educators throughout New York City, as well as from across New York State. Most recently the primary focus of my research has been on the development and implementation of R-SUCCESS (*Reading Success Using Co-Constructive Elaborative Storytelling Strategies*), a classroom-based oral storytelling intervention that supports low-income, ethnic minority children's reading readiness by bridging home-school practices in an authentic and meaningful manner. Funded by the Brady Educational Foundation and the Brooke Astor Foundation for New York City Education, R-SUCCESS has been piloted with and is currently being implemented in New York City preschools and kindergartens serving children from Latino and African-heritage families. Teachers in R-SUCCESS classrooms are

trained to incorporate oral storytelling, a common discourse practice in Latino and African-heritage homes, into their classroom routines on a regular basis, and our work has shown children in R-SUCCESS classrooms demonstrate more advanced literacy skills across a variety of indices. Given its success, R-SUCCESS will be made available to *PreK for All* teachers from across New York City, and a first-grade adaptation has recently been developed and is scheduled to be field-tested throughout this year.

My Own Experience As a Yeshiva Student and Teacher

6. I am a product of the Yeshiva education system, having attended all-girls yeshivas from preschool through 12th grade. Moreover, from 1997-2006 (i.e., prior to teaching at NYU), I taught 7th and then 8th grade English Language Arts at an all-girls Yeshiva in Brooklyn identified in the YAFFED report. Once I could no longer balance teaching 8th grade with my other responsibilities, I remained a member of the staff for three additional years, coordinating the Junior High School Language Arts Curriculum, and tracking teacher and student performance. Each of the schools I attended, as well as the school I taught at, had a dual curriculum, with Jewish Studies taught in the morning and Secular Studies taught in the afternoon.

How the Common Core and Next Generation Learning Standards Work

7. The *Common Core* is a set of learning standards for students in grades K-12 (though New York State also developed and implemented a preschool version known as the *New York State Prekindergarten Foundation for the Common Core*), designed to ensure that they reach a series of reading, writing, and math benchmarks by the time they graduate from elementary and high school. Rather than focus on specific content, the *Common Core* underscores the teaching of skills-based competencies, while emphasizing that instruction should be differentiated based on individual students' needs and learning styles. To ensure that the

standards are age- and grade-appropriate, New York State is in the process of moving away from the *Common Core* to its own set of standards-based guidelines, the *Next Generation Learning Standards*. Like its predecessor the *Common Core*, *Next Generation* is standards-based and includes specific guidelines for accommodating English Language Learners (ELLs), students whose home language is not English. For example, English Language Learners (and Multilingual Learners) can receive instruction in their home language.

8. In New York State, the process for identifying students as English Language Learners is delineated in Appendix A. Essentially, though, the first step is having parents/guardians complete a Home Language Questionnaire (HLQ; see Appendix B); notably, the HLQ is available in Yiddish (see Appendix C), the home language of many children from Chassidic families. If the HLQ suggests that a student's home or primary language is not English, the NYSITELL is then administered to identify the student's English language proficiency. Students remain ELLs until they achieve English language proficiency at the Commanding (Proficient) level on the NYSITELL. Typically, this takes approximately 3-6 years from the time that students enter formal schooling. In the 2015-2016 school year, however, about 12% of ELLs in New York City public schools (nearly 28,000 students) were long-term ELLs (>6 years of ELL services).

Jewish Studies and the Common Core and Next Generation Learning Standards

9. As the Common Core and Next Generation are standards-based, there is wide latitude in how the standards can be met. Notably, many of the standards may be satisfied via a Jewish Studies curricula commonly utilized in Yeshivas. For example, in a lower elementary school Jewish Studies classroom, daily classes typically include both in-text learning of a finite

number of Bible verses in the original text, and an oral comprehension component, during which time students are actively engaged as their teacher shares the remainder of the content orally.

10. Through these lessons, Common Core¹ *ELA Foundational skills*, *ELA Reading Standards for Literature and Informational Texts*, *ELA Language Standards*, and *ELA Speaking and Listening Standards*, as well as Social Studies standards and Science skills can all be supported. As an illustration, when covering the weekly portion of Noah, through reading, hearing about, and discussing how Noah prepared for the flood, the ark that he built, the flood itself, and the aftermath of the flood, the students gain the ability to read with sufficient accuracy and fluency to support comprehension; ask and answer questions about key details; retell stories and understand main messages; ask and answer questions to clarify meanings; describe characters, settings, and major events in a story using key details; determine the meaning of unknown words and phrases. As such, critical ELA standards can be met through these lessons. Even if the language of instruction might not be English, New York State guidelines make explicit accommodations for children from homes that speak a language other than English (ELLs) to receive instruction in their home language, as was noted above. Extant research has documented cross-linguistic transfer of literacy skills over time, such that skills gained in the first will transfer to the second language, typically following a time lapse (August & Shanahan, 2006, 2007; Sparks, Patton, Ganschow & Humbach, 2009, 2012).

11. Furthermore, through the discussion, Social Studies standards related to gathering, interpreting, and using evidence; chronological reasoning and causation; comparison and contextualization; geographic reasoning can not only be met but, in fact, at times exceeded, with Yeshiva students being expected to meet standards aligned with older grade levels. Finally,

¹ Although Common Core Standards are used in the example that follows, Next Generation Learning Standards can be applied as well.

Science skills including (but not limited to) classifying (e.g., animals as kosher or non-kosher based on their characteristics), creating models (e.g., drawing a picture of the ark), and predicting (e.g., who would be saved from the flood) can be met.

12. In addition to studying the Bible, a large focus of the Jewish Studies curriculum, beginning in the upper elementary school grades is the study of Talmud, which is, in essence, an extensive, in-depth compilation of comments and debates on the Mishna, the first written summary of the Oral Law, codified in the 2nd Century CE. Students of the Talmud learn to follow complex arguments that span multiple pages, as they are exposed to conflicting and competing viewpoints. Notably, there is often no single right answer in Talmudic debate. The Talmud may establish the structure of the analytical process, but does not fill in all of the details necessary to draw a conclusion. This necessitates that students explore options and communicate (orally) their thought process. Through this process, teachers scaffold students' acquisition of key standards. In the middle school years, for example, Next Generation English Language Standards such as *Literacy and Informational Text Reading Standards* (e.g., Key Ideas and Details; Craft and Structure; Integration of Knowledge and Ideas); *Speaking and Listening Standards* (e.g., Comprehension and Collaboration; Presentation of Knowledge and Ideas); *Language Standards* (e.g., vocabulary Acquisition and Use), as well as *Reading Standards for Literacy in History/Social Studies* and *Reading Standards for Literacy in Science and Technical Subject* can be met. Furthermore, depending on the specific content area covered in the Talmud, Mathematics Learning Standards (e.g., Ratios and Proportional Relationships when learning about the requisite size of specific religious objects) and Science Learning Standards (e.g., *Space Systems* when learning about the lunar cycle) can be met.

13. Education Law 3204, as amended, suggests that those assessing substantial equivalence should be “taking into account the entirety of the curriculum.” This is simply stating what is already the case, as both the *Common Core* and *Next Generation Learning Standards* are standards-based. Therefore, the focal point is not the content covered. Rather, the emphasis is placed on providing students with the skills they need to meet the set standards.

14. The foregoing is not meant to suggest that any particular school satisfies the *Common Core* and *Next Generation Learning Standards* via its Jewish Studies curriculum, or that any school can satisfy the entirety of the standards via its Jewish Studies curriculum. However, it is important to recognize that the Jewish Studies curriculum provided by Yeshivas is real academic learning, which does align with the *Common Core* and *Next Generation Learning Standards*, and thus should be assessed and where appropriate credited.

I declare under penalty of perjury under the laws of the State of New York that the foregoing is true and correct to the best of my knowledge.

Executed this 3rd day of October 2018, at Brooklyn, New York.

Adina Schick
ADINA SCHICK

Appendix A:



ENGLISH LANGUAGE LEARNERS (ELLs) SCREENING, IDENTIFICATION, PLACEMENT, REVIEW, AND EXIT CRITERIA

ELL Screening, Identification, and Placement must be completed within 10 school days from enrollment date.

STEP 1: SCREENING

- 1a. SCREENING - HOME LANGUAGE QUESTIONNAIRE:** Administer the Home Language Questionnaire (HLQ) to all new students, which is to be maintained in each student's cumulative record. *Students must be enrolled in school upon registration.*

HLQ indicates student's home or primary language is other than English.
CONTINUE TO STEP 1b. SCREENING - INDIVIDUAL INTERVIEW

OR

HLQ indicates student's home or primary language is English.
STOP STUDENT IS NOT an ELL

- 1b. SCREENING - INDIVIDUAL INTERVIEW:** An Individual Interview is conducted in English and in the student's home language by qualified personnel with students and parents/guardians. This includes reviewing documents, prior assessments, and academic experience. An assessment of the student's abilities and/or work samples determines the student's literacy and math level in his/her home language. *Based on the parent or guardian's indicated preferred language, the interview must be conducted with a qualified translator/interpreter provided by the school/district.*

Results of the individual interview confirm that the student's home or primary language is other than English. Results may assist in Student with Interrupted/Inconsistent Formal Education (SIFE) determination in step 2b.

OR

Results of the individual interview indicate that the student's home or primary language is English.
STOP STUDENT IS NOT an ELL

FOR STUDENTS WITH DISABILITIES WHO ENTER WITH AN INDIVIDUALIZED EDUCATION PLAN, CONTINUE TO STEP 1c. SCREENING - STUDENT WITH AN IEP

FOR STUDENTS WITHOUT AN IEP, CONTINUE TO STEP 2a. INITIAL ELL IDENTIFICATION ASSESSMENT - NYSITELL

- 1c. SCREENING - STUDENTS WITH DISABILITIES WHO ENTER WITH AN IEP:** Follow CR Part 154-3 procedures regarding Students with Disabilities. Based on evidence reviewed, the Language Proficiency Team (LPT) makes the following determination:

If the LPT determines that the student with an IEP *may have* second language acquisition needs, the LPT shall recommend in accordance with the potential ELL's IEP whether the student shall take the NYSITELL with or without testing accommodations specified in the IEP.

CONTINUE TO STEP 2a. INITIAL ELL IDENTIFICATION ASSESSMENT - NYSITELL

OR

If the LPT recommends to the principal that the student with an IEP does not have second language acquisition needs, and the principal agrees, the principal notifies the superintendent and the parents/guardians. The superintendent then has ten days to agree or disagree. If the superintendent agrees, the parents/guardians are notified within five days of the final determination if the student will not take the NYSITELL and thus not be designated as an ELL, and their right to request a review and their screening for ELL identification stops. Interview notes, academic and assessment history, work samples, and record of LPT considerations are to be collected and maintained in each student's cumulative record.
STOP STUDENT IS NOT an ELL

STEP 2: INITIAL ELL IDENTIFICATION ASSESSMENT

- 2a. INITIAL ELL IDENTIFICATION ASSESSMENT - NYSITELL:** Qualified personnel administer the statewide English language proficiency identification assessment, currently the NYSITELL. *For students with disabilities, provide approved testing accommodations per the student's IEP or 504 Plan, as indicated in CR section 154-3.3(a)(7).* Originals or copies of NYSITELL score sheets and results must be maintained in each student's cumulative record.

Student demonstrates English language proficiency at one of the following levels:

- ▶ Entering (Beginning)
- ▶ Emerging (Low Intermediate)
- ▶ Transitioning (Intermediate)
- ▶ Expanding (Advanced)

STUDENT IS an ELL

IF A STUDENT WAS IDENTIFIED AS A POTENTIAL SIFE DURING STEP 1b., CONTINUE TO STEP 2b. DETERMINATION OF ELL STUDENT WITH SIFE STATUS OTHERWISE, CONTINUE TO STEP 2c. PARENT NOTIFICATION OF ELL IDENTIFICATION

OR

Student demonstrates English language proficiency at the

- ▶ Commanding (Proficient) level.

STOP STUDENT IS NOT an ELL

- 2b. DETERMINATION OF ELL STUDENT WITH INTERRUPTED/INCONSISTENT FORMAL EDUCATION (SIFE):** Qualified personnel administer the SIFE questionnaire and diagnostic tool to determine SIFE status.

ELL student *is also designated* as a SIFE. Interview notes, academic and assessment history, and work samples are to be collected and maintained in each student's cumulative record.

CONTINUE TO STEP 2c. PARENT NOTIFICATION OF ELL IDENTIFICATION DETERMINATION

OR

ELL student *is not designated* as a SIFE. Interview notes, academic and assessment history, and work samples are to be collected and maintained in each student's cumulative record.

CONTINUE TO STEP 2c. PARENT NOTIFICATION OF ELL IDENTIFICATION DETERMINATION

Appendix B



STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234
Office of P-12

Lisette Colon-Collins, Assistant Commissioner
Office of Bilingual Education and World Languages

55 Hanson Place, Room 594
Brooklyn, New York 11217
Tel: (718) 722-2445 / Fax: (718) 722-2459

89 Washington Avenue, Room 528EB
Albany, New York 12234
(518) 474-8775 / Fax: (518) 474-7948

Home Language Questionnaire (HLQ)

Dear Parent or Guardian:
In order to provide your child with the best possible education, we need to determine how well he or she understands, speaks, reads and writes in English, as well as prior school and personal history. Please complete the sections below entitled Language Background and Educational History. Your assistance in answering these questions is greatly appreciated. Thank you.

Please write clearly when completing this section.		
STUDENT NAME:		
First	Middle	Last
DATE OF BIRTH:		GENDER:
Month	Day	Year
<input type="checkbox"/> Male <input type="checkbox"/> Female		
PARENT/PERSON IN PARENTAL RELATION INFO:		
Last Name	First Name	Relation to Student

HOME LANGUAGE CODE

Language Background (Please check all that apply.)	
1. What language(s) is(are) spoken in the student's home or residence?	<input type="checkbox"/> English <input type="checkbox"/> Other _____ <small>specify</small>
2. What was the first language your child learned?	<input type="checkbox"/> English <input type="checkbox"/> Other _____ <small>specify</small>
3. What is the Home Language of each parent/guardian?	<input type="checkbox"/> Mother _____ <input type="checkbox"/> Father _____ <small>specify</small> <small>specify</small> <input type="checkbox"/> Guardian(s) _____ <small>specify</small>
4. What language(s) does your child understand?	<input type="checkbox"/> English <input type="checkbox"/> Other _____ <small>specify</small>
5. What language(s) does your child speak?	<input type="checkbox"/> English <input type="checkbox"/> Other _____ <input type="checkbox"/> Does not speak <small>specify</small>
6. What language(s) does your child read?	<input type="checkbox"/> English <input type="checkbox"/> Other _____ <input type="checkbox"/> Does not read <small>specify</small>
7. What language(s) does your child write?	<input type="checkbox"/> English <input type="checkbox"/> Other _____ <input type="checkbox"/> Does not write <small>specify</small>

THIS SECTION TO BE COMPLETED BY DISTRICT IN WHICH STUDENT IS REGISTERED:

SCHOOL DISTRICT INFORMATION:

STUDENT ID NUMBER IN NYS STUDENT
INFORMATION SYSTEM:

District Name (Number) & School

Address

Appendix C



STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234
Office of P-12

Lisette Colon-Collins, Assistant Commissioner
Office of Bilingual Education and World Languages

55Hanson Place, Room 594
Brooklyn, New York 11217
Tel: (718) 722-2445 / Fax: (718) 722-2459

89Washington Avenue, Room 528EB
Albany, New York 12234
(518) 474-8775 / Fax: (518) 474-7948

היים שפראך אנקעטע (HLQ)

<p>ליבע עלטערן אדער גארדאן: כדי צו צושטעלן דיין קינד מיט די בעסטע עדיקאציע מעגלעך, דארפן מיר באשליסן ווי גוט ער אדער זי פארשטייט, רעדט, ליינט און שרייבט אין ענגליש, ווי אויך ווי פריערדיקע שולע און פערזענלעך היסטאריע בטע אויספילן די חלקים אונטן אנגעפירטן שפראך היטערגרונט און עדיקאציע היסטאריע. דיין הילף אין ענטפערן די שאלות אז זייער אפרישייטעד. א דאנק.</p>		<p>ביטע שרייבן קלאר ווען אויספילן דעם אפטיילונג.</p> <p>תלמיד נאמען:</p> <p>לעצטע מיטל ערשטע</p> <p>דזשענדער:</p> <p>זכר <input type="checkbox"/> נקבה <input type="checkbox"/></p> <p>עלטערן/ מענטש אין אלטערן ראלע אינפארמאציע:</p> <p>ערישטע טאטען לעצטע טאטען</p>	
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Home Language Code

שפראך היטערגרונט (ביטע טשעק אלע וואס זיינען שייך.)			
1. וועלכע שפראך(ן) ווערט(ן) געפֿעדט אין דער תלמיד'ס היים אדער וווינארט?	<input type="checkbox"/> אנדערע	<input type="checkbox"/> ענגליש	הענטשערט
2. וואס איז געווען דער ערשטער שפראך דין קינד האט געלערנט?	<input type="checkbox"/> אנדערע	<input type="checkbox"/> ענגליש	הענטשערט
3. יאס אדער נישט? וועט ער/זי שפראך פֿון דער עלטערן-גאנצן?	<input type="checkbox"/> נישט	<input type="checkbox"/> יא	הענטשערט
4. וועלכע שפראך(ן) וועט ער/זי שפראך פֿון דין קינד?	<input type="checkbox"/> אנדערע	<input type="checkbox"/> ענגליש	הענטשערט
5. וועלכע שפראך(ן) וועט ער/זי שפראך פֿון דין קינד?	<input type="checkbox"/> אנדערע	<input type="checkbox"/> ענגליש	הענטשערט
6. וועלכע שפראך(ן) וועט ער/זי שפראך פֿון דין קינד?	<input type="checkbox"/> אנדערע	<input type="checkbox"/> ענגליש	הענטשערט
7. וועלכע שפראך(ן) וועט ער/זי שפראך פֿון דין קינד?	<input type="checkbox"/> אנדערע	<input type="checkbox"/> ענגליש	הענטשערט

THIS SECTION TO BE COMPLETED BY DISTRICT IN WHICH STUDENT IS REGISTERED:

SCHOOL DISTRICT INFORMATION:	STUDENT ID NUMBER IN NYS STUDENT INFORMATION SYSTEM:
District Name (Number) & School	Address

YIDDISH